

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

MASTER FILE NO. 12-md-02311

HON. MARIANNE O. BATTANI

THIS DOCUMENT RELATES TO:

ALL ACTIONS

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ORDER MODIFYING STIPULATED ORDER OF DISCOVERY

On December 23, 2013, the Court granted the United States' Request for a Temporary and Limited Stay of Certain Discovery. On June 20, 2013, the Department of Justice reported to the Court on the status of its criminal investigation into the auto parts industry. As a result of the report, the Court finds no basis for a continued stay on the substantive/merits depositions and any discovery in three of the Initial Cases-- 2:12-cv-00100 - Wire Harness Cases; 2:12-cv-00300 - Fuel Senders Cases; and 2:12-cv-00400 - Heater Control Panel Cases.

With regard to the depositions, the Court limits questions to topics involving only the three products listed above. All other provisions of the December 23, 2013, Stipulated Order remain in effect. The Court draws the parties' attention to page 4 of the Stipulated Order, which addresses agreed limitations relative to discovery from the Department of Justice ("DOJ") after the stay is lifted:

After the stay is lifted, the parties may not seek discovery from the DOJ or any other party to the litigation or any alleged co-conspirator inquiring into

the DOJ's or any federal grand jury investigations involving the Stayed Subjects with the following exception. Once any stay is lifted, any party may request that the Court permit it to discover from any individual or entity, but not the DOJ, statements made by any individual or entity to the DOJ, subject to the rights of DOJ and any other party to object to such request. DOJ has indicated to Plaintiffs that, depending on the specific request made, if any, it likely will object to any attempt to discover from Defendants' files statements made to DOJ during the course of its auto parts investigation. Any objection made by DOJ or any party will ultimately be resolved by this Court if it cannot be resolved by the parties.

(Doc. No. 664 in 12-2311).

Notably, in its report to the Court, the Antitrust Division of the United States Department of Justice has indicated that it will object to discovery of any statement made to, or materials provided to, the Division during the course of any corporate or individual plea negotiations, or pursuant to any corporate or individual cooperation with the Division, whether voluntary, pursuant to a plea agreement, or pursuant to the Leniency Program.

IT IS SO ORDERED.

Date: June 25, 2014

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on June 25, 2014.

s/ Kay Doaks
Case Manager